

**McGivney & Kluger, P.C.**  
Gary J. Intoccia, Esq. (GI 5329)  
23 Vreeland Road, Suite 220  
Florham Park, New Jersey 07932  
(973) 822-1110  
Attorneys for Petitioner, Wally World Rentals, LLC  
3110G-0002

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

IN THE MATTER OF

The Complaint of WALLY WORLD  
RENTALS, LLC as owner of an 11' 2010  
Yamaha VXI Jet Ski, Bearing Hull ID Number  
YAMA1246E010, For Exoneration From or  
Limitation of Liability,

Petitioner.

Case No. 1:12-CV-02764-RBK-JS

Civil Action in ADMIRALTY

**ORDER ENTERING DEFAULT JUDGMENT  
PURSUANT TO RULE 55(b)**

**THIS MATTER** having been opened to the Court by McGivney & Kluger, P.C., attorneys for Petitioner, Wally World Rentals, LLC, by way of his application for Default Judgment to be entered on all claimants who may have a claim against Petitioner, but who have not filed, or have not timely filed, an Answer and Claim in response to Petitioner's Complaint. Petitioner argues that because the Court-imposed deadline for filing a claim in the instant litigation has passed, and because Default has been entered against all non-filing claimants, it is proper to enter Default Judgment against all such persons/entities who may have a claim against Petitioner or the Vessel in relation to the underlying dispute. Having reviewed the motion, the factual record, the absence of objection and the applicable law, Petitioner's motion is granted.

On July 4, 2011, Petitioner's vessel, an 11' 2010 Yamaha VXI Jet Ski, bearing Hull ID Number YAMA1246E010, was rented to Ryan M. Leaper, who operated it on the navigable waters near Ocean City, Cape May County, New Jersey. At this time, an incident occurred without the PETITIONER'S privity or knowledge. The incident purportedly caused personal injuries to Jake Biancanello and other passengers or operators. Petitioner filed its Complaint for Exoneration from or Limitation of Liability pursuant to 46 U.S.C. § 30511, et seq. and Rule F, Supplemental Rules of Civil

Procedure. To obtain exoneration or limitation of liability, a Petitioner must deposit with the Court, for the benefit of the claimants, a sum equal to the amount or value of the owner's interest in the vessel or security therefore. See Supplemental Rule F (2006). On June 13, 2012 the Court approved Petitioner's Stipulation for Value and directed the issuance of a Notice to all persons asserting claims with respect to which the Complaint seeks limitation and admonish them to file their respective claims with the Clerk of this Court by September 13, 2012, or be defaulted. Additionally, the Court directed Petitioner to publish the Notice in an approved newspaper, as specified by Local Admiralty and Maritime Rule F, once a week for four successive weeks prior to the date fixed for filing claims, as well as to mail a copy of the Notice to every person known to have any possible claim against the Vessel or Petitioner.

Petitioner published the Notice in the Atlantic City Press for four consecutive weeks and submitted Proof of Publication to the Court. Furthermore, Petitioner mailed the Notice to all those known to have a possible claim. No potential claimants filed a claim by the September 13, 2012 deadline for the submissions of claims. Default was entered against all potential claimants by Order of this Court dated October 12, 2012. Therefore, Petitioner is entitled to the entry of Default Judgment against all non-filing claimants. Accordingly, it is hereby

**ORDERED** that Petitioner Wally World Rentals, LLC's Motion for the Entry of Default Judgment is GRANTED. Default Judgment is entered against all who may have a claim against Petitioner *in personam*, and/or the Petitioner's Vessel, an 11' 2010 Yamaha VXI Jet Ski, bearing Hull ID Number YAMA1246E010, *in rem*, arising from the incident described in the Complaint, but who have not filed or have not timely filed an Answer and Claim in response to Petitioner's Complaint for Exoneration from or Limitation of Liability.

**DONE AND ORDERED** in Camden, New Jersey, this 13<sup>th</sup> day of November, 2012.



Robert B. Kugler  
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